

**Regular Meeting**  
**Town/Village of Lowville**  
**Zoning Board of Appeals**  
Wednesday, April 27, 2022  
6:30 P.M.

COPY

The meeting was called to order by the Chair Rachel Hillegas at 6:30 p.m.

1. The Town/Village of Lowville Zoning Board of Appeals met on this date and a roll call showed the following members present:

Linda Lawton                      Rachel Hillegas                      Carla Hellinger

Absent: Joseph Zehr, Kyle Logan

**Others present:** Francis Dunn, Applicant; Steve Scaparo, Applicant; Henry Avallone, Joint T/V Planning Board Member; Kathy Manning, Administrative Assistant

2. Reading and Approval of Minutes:  
March 23, 2022 – A MOTION was made by Carla to approve the minutes as written. The motion was seconded by Linda. All members present in favor. Motion carried.
3. Communications and reports.
  - a. Kathy indicated that she had neglected to include the August 2021 meeting in the payment to the board members for 2021. She will include the meeting with the 2022 payment for everyone who attended the August 25, 2021 meeting.
4. Unfinished business:
  - a. The public hearing is for **Application ZV2022-1**, submitted by **Francis & Deborah Dunn**, requesting an area variance to construct an addition to an existing single-family dwelling six feet from the southern property line which does not comply with Village of Lowville Zoning, Chapter 201, Schedule B, Dimensional Requirements of eight feet in an R Zone. The property is owned by Francis & Deborah Dunn, located at 7688 Sharp Street, Village of Lowville, New York and is tax parcel number 212.08-05-36.000.

The public hearing was opened at 6:33 p.m.  
Rachel asked if anyone from the public had any comments. No one spoke to indicate they would like to comment on this application. Rachel reviewed her suggestions for page 2 of the Resolution. The board members present agreed with her suggested content. The public hearing was closed at 6:35 p.m.

A MOTION was made by Linda to approve Resolution SD2022-1 with the condition that the variance approval applies only to the addition specified in this application. The motion was seconded by Carla. All members present in favor. Motion carried. The resolution is included with the original record and a copy is included with these minutes.

5. New Business
  - a. **Application ZV2022-2**, submitted by **Stewart's Shops**, requesting an area variance to construct an addition to an existing commercial dwelling seven feet from the northern property line which does not comply with Village of Lowville Zoning, Chapter

201, Schedule B, Dimensional Requirements of 15 feet in an AC Zone. The property is owned by Stewart's Shops, located at 7491 South State Street, Village of Lowville, New York and is tax parcel number 212.15-01-21.110.

Mr. Scaparo indicated the purpose of the expansion for the pad/freezer is that the Lowville Stewart's location sells the most ice cream during their semi-annual ice cream sales. Having the additional freezer space will alleviate the need for multiple deliveries to this location.

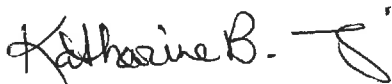
There was discussion regarding the contents of the application and if the board felt they had sufficient information to make an educated decision regarding this application.

A MOTION was made by Rachel to deem Application ZV2022- complete and schedule the public hearing for May 25, 2022 at 6:30 p.m. The motion was seconded by Carla. All members present in favor. Motion carried.

6. Adjournment

A MOTION was made by Rachel to adjourn the meeting. The motion was seconded by Linda. All members present in favor. Motion carried. The meeting was adjourned at 6:43 p.m.

Submitted by,



Katharine B. Manning  
April 28, 2022

***Note: These minutes have been transcribed from a recording. The minutes are not a verbatim, quoted version they are rather a documentation of the meeting with motions and resolutions included.***

**Town and Village of Lowville  
Zoning Board of Appeals**

5533 Bostwick Street  
Lowville, New York 13367  
(315) 376-8070 ext. 6

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**RESOLUTION  
ZV2022-1  
212.08-05-36.100**

At a regular meeting of the Town/Village Zoning Board of Appeals of the Town/Village of Lowville, Lewis County, New York, held at the Town Offices, in said Town, on the 27<sup>th</sup> day of April, 2022. The meeting was called to order by

Rachel Hillegas and upon roll being called, the following were:

PRESENT:

Linda Lawton                      Rachel Hillegas                      Joseph Zehr                      Carla Hellinger  
Kyle Logan, Alt

ABSENT:

\_\_\_\_\_  
\_\_\_\_\_

The following resolution was offered by Board Member Linda, who moved its adoption, seconded by Board Member Carla, to wit:

WHEREAS, the Zoning Board of Appeals of the Town of Lowville has received an application from Francis & Deborah Dunn for approval of an area variance to permit an addition to an existing single family dwelling six feet from the southern property line

and

WHEREAS, in connection with such application, the Zoning Board of Appeals has received and reviewed an application (and Environmental Assessment Form, if required), held a public hearing and received comments thereat, and

WHEREAS, after review the Zoning Board of Appeals has weighed the affects the requested application on health, safety and welfare of the neighborhood and community, and made the following findings:

A. The requested variance (will/will not) create an undesirable change in the character of the neighborhood or detriment to nearby properties in that: It will not increase the non-conformity of the structure; it will only extend it by 16 feet in the same direction as the existing nonconforming structure.

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B. The benefits sought by the applicant (can/cannot) be achieved by any other feasible method because: It appears it would be possible to add a master bathroom in this location, even with the existing basement access, and still stay 8 feet from the side property line (by making the bathroom 2 feet narrower than planned). However, the requested variance would be in line with the existing structure and is not a significant difference.

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C. The requested variance (is/is not) substantial in that: It does not increase the nonconformity of the existing structure.

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D. The proposed variance (will/will not) have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district because: The addition will be in line with the existing structure and the owner has stated in the application that the exterior finishes will match the existing structure, creating a seamless blend of old and new.

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and

E. The alleged difficulty (was/was not) self-created because As mentioned above, it appears to be possible to add a master bathroom in this location and still maintain the 8 feet distance from the line. However, that layout may not meet the owner's objectives and 2 feet is not an overly significant variance. Therefore, the requested variance is reasonable and is not expected to have a negative impact on the property or the neighborhood.

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NOW, THEREFORE, BE IT RESOLVED that application ZV2022-1 submitted by Francis & Deborah Dunn for approval of an area variance in the Town/Village of Lowville is hereby (GRANTED/DENIED/GRANTED WITH CONDITIONS) for the reasons stated above. Conditions placed will be provided below.

The question of the foregoing resolution was duly put to a vote as follows:

Linda Lawton Y N R A

Joe Zehr Y N R A

Rachel Hillegas Y N R A

Kyle Logan, Alt Y N R A

Carla Hellinger Y N R A

Y – Yes; N – No; R – Recusal; A - Absent

Date: April 27, 2022  
Lowville, New York

BY ORDER OF THE ZONING BOARD  
OF APPEALS OF THE TOWN OF  
LOWVILLE

Rachel A. Hillegas  
Signature

Conditions: Variance applies only to the addition specified in  
this application.

